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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,846	02/22/2002	Shinji Uchida	00862.022569	7544

5514 7590 11/06/2002
FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

MOHANDESI, IRAJ A

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,846

Applicant(s)

UCHIDA, SHINJI

Examiner

Iraj A Mohandesi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following intentions required less than 35 U.S.C. 121

Group (I) ; claims 1-9 drawn linear motor structure classified in class 310 subclass12.

Group (II); claim 10 drawn to method of making 29 subclass 596

Inventions Group (I) and Group (II) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown:

(I) that the process as claimed can be used to make other and materially different product or (II) that the product as claimed can be made by an other and different process (MPEP § 806.05(f)). In the instant case the product can be made by different method of manufacturing the linear motor, such as inserting all magnets at same time by a robotic assembly machine.

Method of making an apparatus by positioning at least one of a substrate and master on an exposure apparatus by controlling a stage apparatus can be used to produce of any type of magnet imbedded stator or rotor for electrical machine equipped with plurality of magnets.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for group (I) is not required for group (II), restriction for examination purposes as indicated is proper.

3. A telephone call was made to Mr. Steven Warner Registration No.33,326 on October, 16,2002 to request an oral election to above restriction requirement, Applicant's attorney Steven E. Warner made an election on October, 18,2002 for the group (I) claims 1-9 with traverse.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 047527/2001(Pat) 02/23/2001 and 028330/2002, filed on 02/22/2002

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kamata US Patent 6,025,658.**

Kamata 658 a linear motor comprising, first magnets arrayed such that polarization directions thereof are periodically opposite (1a,1b,1c,1d,1e,1f, Fig. 1) ,second magnets arrayed adjacent to said first magnets such that polarization directions thereof are periodically opposite (2a,2b 2c,2d,2e,2f, Fig.), and an

electromagnetic coil (5, column, line 28, Fig. 1))opposing said first and second magnets to generate the Lorenz force by at least said first and second magnets, said second magnets being disposed such that the polarization directions thereof intersect those of said first magnets (Fig.1),wherein the polarization directions of said second magnets intersect the first magnets at an angle substantially 90 degree (1b column 2 line 36, Fig.1)wherein said first and second magnets are rectangular parallelepiped permanent magnets (1a-1f,2a-2f,column 2,line 27 ,Fig.1),wherein said electromagnetic coil comprises at least two electromagnetic coils (coil 5 ,poly phase a plurality of electromagnetic coils column 3,line 49) disposed to oppose said first and second magnets and to be energized simultaneously, wherein either one of said first and second magnets which is disposed at a terminal end has a volume smaller than those of other magnets (6a, Fig 5).wherein said first and second magnets generate a sine wave magnetic field (column 3 line 60 ,Fig.2).

communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is

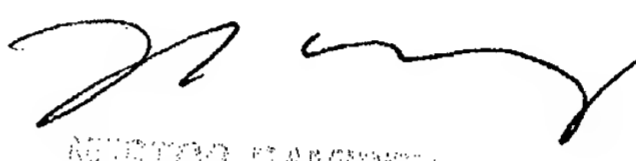
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assigned are (703)872-9314 for regular communications and (703)872-9314 for
After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is
(703)306-0377.

IM
November 1, 2002


NEWTON MARTINEZ
SENIOR PATENT EXAMINER
OCT 24 2002